Table of Contents

IV 2145471 - F02145440

MCS

PERSONNEL INVESTIGATION

SUPERVISORS REPORT ON USE OF FORCE

INVESTIGATIVE NARRATIVE

EXHIBITS

MISCELLANEOUS DOCUMENTS

- MCJ, PM Shift In- Service
- Administrative Rights
- Request for Administrative Investigation

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: September 20, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: JOHN H. CLARK, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, APRIL 29, 2005, INVESTIGATION IV#2145471 / FO 2145440**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 29, 2005.

The Committee met on September 15, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department), Eric Smith (Leadership and Training Division) and Robert Binkley (FOR III).

The Committee deemed:

- as **Founded** the allegation that Deputy Daniel Mailloux #[redacted] violated the Department's Manual of Policy and Procedure Section(s) 3-01/025.10: Unreasonable Force and/or 3-01/050.10: Performance to Standards (punching inmate after handcuffing), and

- as **Founded** the allegation that Deputy Daniel Mailloux #[redacted] violated the Department's Manual of Policy and Procedure Section(s) 5-09/430.00: Use of Force Reporting and/or 3-01/050.10: Performance to Standards (notifying supervisor), and

- as **Founded** the allegation that Deputy Daniel Mailloux #[redacted] violated the Department's Manual of Policy and Procedure Section(s) 3-01/025.10: Unreasonable Force and/or 3-01/050.10: Performance to Standards (extensive injuries), and

- as **Founded** the allegation that Deputy Daniel Mailloux #[redacted] violated Department's Manual of policy and Procedure Section(s) 3-01/030.10: Obedience to Laws, Regulations and Orders as it pertains to 5-09/430.00: Use of Force Reporting and/or 3-01/050.10: Performance to Standards (extensive injuries), and

- as **Founded** the allegation that Deputy Daniel Mailloux #[redacted] violated the Department's Manual of Policy and Procedure Section(s) 3-01/040.70, False Statements (re: to investigators) and/or 3-01/050.10, Performance to Standards.

The Committee recommended that Deputy Mailloux be suspended for a period of **fifteen (15) days** with loss of pay and benefits from the position of deputy sheriff.

JGJ:MAH:mh



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

January 29, 2006

Deputy Daniel Mailloux, #[redacted]
[redacted]

Dear Deputy Mailloux:

On November 23, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2145471. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, you withdrew your grievance at Step One of the grievance process.

Therefore, you are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days effective January 30, 2006 through February 13, 2006.

An investigation under File Number IAB 2145471, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/025.10, Unreasonable Force and/or 3-01/050.10, Performance to Standards, on or about April 29, 2005, while in the presence of three additional deputy sheriffs, you used unreasonable force by punching Inmate [redacted] multiple times, in the face, after Inmate [redacted] was handcuffed. Thus, you failed to conform to the work standards established for your rank of Deputy Sheriff.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Custody Division Manual section 5-05/090.00, Escorting Procedures for Combative or Uncooperative Inmates; and/or Men's Central Jail Order 5-03-001, Confrontations with Hostile or Aggressive Inmates*), on or about April 29, 2005, after your

altercation with Inmate [redacted], you attempted to escort the inmate to the medical clinic, thus failing to follow Department procedures, such as, but not limited to:

- When practical, deputies involved in a significant use of force incident shall not transport the prisoner for medical treatment.

- As soon as practical and safe, hostile, aggressive or potentially violent inmates SHALL be taken to the floor control booth where benches are provided and the inmate(s) can be secured.

- Time permitting, every effort should be made to contact the floor or area sergeant and await their arrival to the scene.

- Inmates who are uncooperative and combative, or have a history of making false allegations, shall be escorted by two Department members, one member being a supervisor. The movement shall be video taped.

- Personnel involved in an incident/altercation with a recalcitrant, uncooperative, or combative inmate shall not be part of the escorting team.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual section 5-09/430.00, Use of Force, Reporting and Review Procedures*), on or about April 29, 2005, you failed to make an immediate verbal notification to your immediate supervisor after you used force upon Inmate [redacted], to wit, punching Inmate [redacted] in the face multiple times, thereby failing to conform to the work standards established for your rank or position.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

John H. Clark, Captain
Commander, Men's Central Jail

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures. and Civil Service Rules.

JHC:KM:tm

c: Advocacy Unit
Sammy L. Jones, Chief, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Men's Central Jail/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 23, 2005

Deputy Daniel Mailloux, # [redacted]
[redacted]

Dear Deputy Mailloux:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2145471, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/025.10, Unreasonable Force and/or 3-01/050.10, Performance to Standards, on or about April 29, 2005, while in the presence of three additional deputy sheriffs, you used unreasonable force by punching Inmate [redacted] multiple times, in the face, after Inmate [redacted] was handcuffed. Thus, you failed to conform to the work standards established for your rank of Deputy Sheriff.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Custody Division Manual section 5-05/090.00, Escorting Procedures for Combative or Uncooperative Inmates; and/or Men's Central Jail Order 5-03-001, Confrontations with Hostile or Aggressive Inmates*), on or about April 29, 2005, after your altercation with Inmate [redacted] you attempted to escort the inmate to the medical clinic, thus failing to follow Department procedures, such as, but not limited to:

   - When practical, deputies involved in a significant use of force incident shall not transport the prisoner for medical

treatment.

- As soon as practical and safe, hostile, aggressive or potentially violent inmates SHALL be taken to the floor control booth where benches are provided and the inmate(s) can be secured.

- Time permitting, every effort should be made to contact the floor or area sergeant and await their arrival to the scene.

- Inmates who are uncooperative and combative, or have a history of making false allegations, shall be escorted by two Department members, one member being a supervisor. The movement shall be video taped.

- Personnel involved in an incident/altercation with a recalcitrant, uncooperative, or combative inmate shall not be part of the escorting team.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual section 5-09/430.00, Use of Force, Reporting and Review Procedures*), on or about April 29, 2005, you failed to make an immediate verbal notification to your immediate supervisor after you used force upon Inmate [redacted], to wit, punching Inmate [redacted] in the face multiple times, thereby failing to conform to the work standards established for your rank or position.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Tajuana Moore of the Internal Affairs Bureau at [redacted] and arranging an

appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

John H. Clark, Captain
Commander, Men's Central Jail

JHC:KM:tm

c: Advocacy Unit
Employee Relations Unit
Sammy L. Jones, Chief, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2145471)

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	005-00593-5100-145	Date:	04-29-2005	Time:	1850
Location:	Men's Central Jail, 441 Bauchet Street, Los Angeles, 90012				
City or Station:	Los Angeles				
Bureau/Station/Facility:	Corrections Services Division, MCJ	Admin. Investigation:	YES ☒ NO ☐		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	PLUNKETT	TAI	
[redacted]	GENTER	CECILIA	
[redacted]	ACOSTA	MARY	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
NONE				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	BOTTOMLEY	RONALD	G.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	ARMAS	MANUEL		SR.Dep	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	HOSAC	GEORGE	L.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	AGUILA	GILBERT	

Watch Commander's Signature: JOHN W. HARRIS Emp #: [redacted]

Copy Provided to Employee by: ______________ Emp #: ______

Supervisor Completing Form: ______________ Emp #: ______
(Print)

Unit Commanders Signature: ______________ Emp #: ______ Date Signed: ______

PSTD Use Only

FO# 215440

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

Supervisor's Report on Use of Force

UR[redacted] 005-00593-5100-145 [redacted]

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	PH	BR	FA
S#1	E#1	PK	CP	
S#1	E#1	PH	NN	NN
S#1	E#1	RS		NN
S#1	E#1	UC		NN
E#1	S#1	TD	NN	
E#1	S#1	PP	AB	FA
E#1	S#1	PH	AB	FA
E#1	S#1	PH	FR	FA
E#1	S#1	PH	LC	FA
E#2	S#1	CT	NN	AR
E#3	S#1	CT	NN	AR
E#4	S#1	CT	NN	FE

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 005-00593-5100-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	MAILLOUX	DANIEL	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Men's Central Jail	6000

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 09"	200

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W.	Men's Central Jail	6050

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 11"	260

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
☐			Directed Force ☐ Significant Force ☐

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W.	Men's Central Jail	Clinic MVT DEP #1

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6' 00"	155

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
☐			Directed Force ☐ Significant Force ☐

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Men's Central Jail	Clinic

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 05"	130

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 005-00593-5100-145

Suspect Information

S_

Last Name [redacted] First Name [redacted] Middle Name

AKA Last Name First Name Middle Name

Sex: ☒ Male ☐ Female | Race: Hispanic | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 28 | Height: 5' 05" | D.O.B. [redacted] | Weight: 140 | Armed? ☐

Booking #: [redacted] Primary Charge: Secondary Charge: Criminal History [redacted]

Hospital Admission? ☒ Rec'd Treatment At: LCMC Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ______

Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date: 4-29-05 | Time: | Audiotape: ☒ | Videotape: ☒

Suspect Information

S_

Last Name First Name Middle Name

AKA Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐

Suspect Information

S_

Last Name First Name Middle Name

AKA Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐

See Other Side